

REMARKS

This application has been reviewed in light of the Office Action dated October 4, 2005. Claims 22-33 are presented for examination. Claims 22, 26 and 30 have been amended to define still more clearly what Applicant regards as his invention. Claims 23, 24, 27, 31 and 32 have been amended as to matters of form only. No change in scope is either intended or believed effected by at least these latter changes. Claims 22, 25, 26, 29, 30 and 33 are in independent form. Favorable reconsideration is requested.

The specification has been amended to conform the Summary of Invention section to the amended claims.

As an initial matter, the Office Action acknowledges the stamped post card evidencing the filing of the oath with the U.S. Patent and Trademark Office (USPTO) on September 19, 2001, but states that a copy of the oath is not in the file and requests that a copy be submitted with the response to the Office Action. Accordingly, Applicant has attached a copy of the oath to this Office Action for scanning into the file.

An Information Disclosure Statement is being filed concurrently herewith.

Applicants thanks the Examiner for allowing Claims 25, 29 and 33.

Claims 22-24, 26-28 and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 11-17877 (Kido) in view of U.S. Patent No. 5,815,289 (Yoshida).

As shown above, Applicant has amended independent Claims 22, 26 and 30 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 22 is directed to a facsimile apparatus for reading images of original sheets in which both-side and one-side original sheets exist mixedly and transmitting them to a receiver station, including reading means for reading the images on both sides of the original sheet, discriminating means for discriminating whether the images on both sides read by the reading means have effective image information or not, and control means adapted for selectively determining use of a both-side transmitting procedure if both sides of the original sheet have effective image information or use of a one-side transmitting procedure if both sides of the original sheet do not have effective image information, for each transmission of one original sheet, in accordance with a result of the discrimination of the discriminating means; and for transmitting to the receiver station both-side transmission control information including a page number and information regarding front or reverse side of the original sheet, for each side of the original sheet, when the both-side transmitting procedure is used, and omitting the transmission of the both-side transmission control information, so that the page number is not transmitted to the receiver station, when the one-side transmitting procedure is used.

One important feature of Claim 22 is a control means adapted for “selectively determining use of a both-side transmitting procedure if both sides of the original sheet have effective image information or use of a one-side transmitting procedure if both sides of the original sheet do not have effective image information, for each transmission of one original sheet, in accordance with a result of the discrimination of the discriminating means; and for transmitting to the receiver station both-side transmission control information including a page number and information regarding front or reverse side of the original sheet, for each side of the original sheet, when the both-side transmitting procedure is used, and omitting the transmission

of said both-side transmission control information, so that the page number is not transmitted to the receiver station, when the one-side transmitting procedure is used.”

Kido and Yoshida, alone or in combination, are not seen to disclose or suggest the apparatus defined by Claim 22, particularly with respect to the control means feature of Claim 22.

As discussed in the previous Amendment, Kido relates to a facsimile device that includes a first readout part that reads out one surface of an original and a second readout part that reads the other surface of an original. A first transmission data memory part temporarily stores the data read out by the first readout part, and a second transmission data memory part temporarily stores the data read out by the second readout part. Kido discusses deciding whether data exists on both surfaces or one surface and, if data exists on both surfaces, the original of both surfaces is simultaneously read out by two readout means and temporarily stored in each corresponding memory. If the original has data on one surface, it is read out by any of the two readout means.

Nothing has been found in Kido that teaches or suggests a “control means adapted for selectively determining use of a both-side transmitting procedure if both sides of the original sheet have effective image information or use of a one-side transmitting procedure if both sides of the original sheet do not have effective image information, for each transmission of one original sheet, in accordance with a result of the discrimination of the discriminating means; and for transmitting to the receiver station both-side transmission control information including a page number and information regarding front or reverse side of the original sheet, for each side of the original sheet, when the both-side transmitting procedure is used, and omitting the

transmission of said both-side transmission control information, so that the page number is not transmitted to the receiver station, when the one-side transmitting procedure is used,” as recited in Claim 22.

Yoshida relates to a facsimile apparatus for transmitting one-sided and both-sided originals. Yoshida discusses a both sides original lamp that can be depressed by an operator. Then, after the operator selects a call destination, a display unit displays that “SET FRONT PAGE OF THE ORIGINAL FROM THE FIRST ONE” and the operator puts the originals on the original holder with the front pages being directed to be read by a reading system. After a start key is pressed, the front pages of the document are read and a counter counts the number of pages. Upon completion of reading all the front pages, the display unit displays that “SET BACK PAGE OF THE ORIGINAL FROM THE LAST ONE”. The operator then puts the originals on the original holder with the back pages being directed to be read by the reading system and presses the start key. The facsimile apparatus then reads the back pages and a counter counts the number of pages.

Yoshida does not teach or suggest a means for discriminating whether the images on both sides read by said reading means have effective image information or not, as recited in Claim 22.

Further, while Yoshida discusses various controls in transmitting one-sided and both-sided originals, it does not clearly describe what communication procedures are used to transmit the one-sided original sheets and both-sided original sheets, respectively. For example, the Office Action cites Figure 22A (S674, S676, S678 and S680) as disclosing the feature of omitting the transmission of both-side transmission control information when the one-side

transmitting procedure is used. However, the cited portion merely discusses various steps for transmitting one-sided original sheets, including a “pre-procedure” and “post-procedure” and does not disclose that a page number is not transmitted to the receiver station. Accordingly, Yoshida does not teach or suggest a “control means adapted for selectively determining use of a both-side transmitting procedure if both sides of the original sheet have effective image information or use of a one-side transmitting procedure if both sides of the original sheet do not have effective image information, for each transmission of one original sheet, in accordance with a result of the discrimination of said discriminating means; and for transmitting to the receiver station both-side transmission control information including a page number and information regarding front or reverse side of the original sheet, for each side of the original sheet, when the both-side transmitting procedure is used, and omitting the transmission of said both-side transmission control information, so that the page number is not transmitted to the receiver station, when the one-side transmitting procedure is used,” as recited in Claim 22.

Accordingly, Claim 22 is believed clearly allowable over Kido and Yoshida, taken separately or in any proper combination.

Independent Claims 26 and 30 are control method and storage medium claims, respectively, corresponding to apparatus Claim 22, and are believed to be patentable over Kido and Yoshida for at least the same reasons as discussed above in connection with Claim 22.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

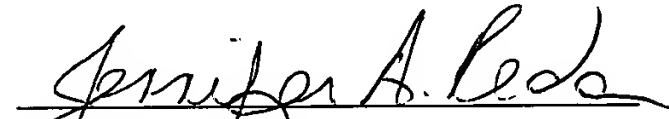
The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jennifer A. Reda", written over a horizontal line.

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**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

(page 1)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled FACSIMILE APPARATUS, CONTROL METHOD OF FACSIMILE APPARATUS, AND COMPUTER-READABLE MEMORY MEDIUM STORING CONTROL PROGRAM FOR FACSIMILE APPARATUS

the specification of which ☐ is attached hereto ; or ☒ was filed on June 20, 2001
as United States Application No. or PCT International Application No. 09/884,064
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Day / Mo. / Yr.)</u>	<u>(Yes / No) Priority Claimed</u>
Japan	187093/2000 (Pat.)	22/June/2000	Yes

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status (Patented, Pending, Abandoned)</u>
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I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

FITZPATRICK, CELLA, HARPER & SCINTO
Customer Number: 05514

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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